

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 19, 2008

The City Council convened in Regular Session on Tuesday, February 19, 2008, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Bob Kneemiller, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Erv Ermeling, Laurie Feldman, Michael Klinghammer, Larry Muench, Jerry Reese, Ron Stivison, Richard Veit, and Michael Weller. Absent: Dave Beckering. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File #46731

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

A motion was made by JERRY REESE to excuse the absence of Councilmember Dave Beckering. MICHAEL KLINGHAMMER seconded the motion. All voted in favor, motion passed.

RESOLUTIONS/AWARDS/PROCLAMATIONS

Recognition of Recent Retiree, Mark Sauer, from the Fire Department

Mr. Sauer was unable to attend the meeting; therefore, his certificate will be mailed.

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bill 9574 Annexing Seven (7) Parcels Located on the Periphery of The New Town at St. Charles Development

Brad Goss, 1475 Fairgrounds Road, spoke on behalf of Whittaker Development, in favor of Council Bill 9574.

Council Bill 9581 Calling an Election Upon Whether the City of St. Charles Shall Establish The New Town at St. Charles II Theater, Cultural Arts, and Entertainment District

Brad Goss, 1475 Fairgrounds Road, spoke on behalf of Whittaker Development, in favor of Council Bill 9581.

BILLS FOR FINAL PASSAGE

Bill 9563 (Tabled)

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Nine, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)

A motion was made by MICHAEL KLINGHAMMER to table Council Bill 9563 until the April 1, 2008, Regular Council Meeting. ERV ERMELING seconded the motion. All voted in favor, motion passed.

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Bill 9569 (Tabled)

An Ordinance Amending Schedule II, Subsection (A) of Chapter 78 of the Code of Ordinances by Establishing Parking Restrictions Along a Portion of Olive Street
(Sponsor: Richard Veit)

A motion was made by RICHARD VEIT to table Council Bill 9569. LARRY MUENCH seconded the motion. All voted in favor, motion passed.

Bill 9571

An Ordinance Amending Ordinance Number 07-316 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2008 (Budget Amendment #1) (Sponsor: Bob Kneemiller)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Weller

"Nay": None

Absent: Beckering

Approved by the Honorable Mayor on February 22, 2008, and is known as **Ordinance 08-37**

Bill 9572

An Ordinance Authorizing a Contract with the State of Missouri, Division of Family Services for a Homeless Challenge Grant Program for North East Community Action Corporation (NECAC) for the Period of October 1, 2007 Through September 30, 2008
(Sponsor: Bob Kneemiller)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Weller

"Nay": None

Absent: Beckering

Approved by the Honorable Mayor on February 22, 2008, and is known as **Ordinance 08-38**

Bill 9573

An Ordinance Authorizing a Contract with Gerstner Electric, Inc. for the New Town Boulevard and Mueller Road Traffic Improvements Project in an Amount Not to Exceed \$165,999.00 (Sponsor: Michael Klinghammer)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Weller

"Nay": None

Absent: Beckering

Approved by the Honorable Mayor on February 22, 2008, and is known as **Ordinance 08-39**

Bill 9574 (Amended)

An Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by Whittaker Builders, Inc. and GGW Development Company, Inc., Seven (7) Parcels Located on the Periphery of The New Town at St.

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Charles Development; and Authorizing the Mayor and City Clerk to Execute Annexation Agreements in Connection Therewith (*Sponsor: Michael Klinghammer*)

A motion was made by MICHAEL WELLER to amend Council Bill 9574, as follows:

(1) to insert in each annexation agreement a new section to be known as Section 11 to read as follows:

11. Street Connection to Charlestowne. Owner or Developer, as a condition precedent to the City's duty to execute the Annexation Agreement or perform any act pursuant to the Annexation Agreement, shall:

- (a) convey and dedicate to City the right-of-way easements, in the form approved by the City, necessary to connect the three Charlestowne streets to the New Town streets;
- (b) remove all barricades and not place any obstruction which restricts the flow of traffic on the New Town streets which connect to the Charlestowne streets; and
- (c) complete the initial connection between Charlestowne and New Town within 90 days of this ordinance and the remaining connections as New Town completes the phases of its development corresponding to those connections.

The intent of this section is to complete the three street connections between Charlestowne and New Town and permit the free flow of vehicular traffic between Charlestowne and New Town so that vehicles may travel to and from Charlestowne and New Town in the most direct route possible; and

(2) to table Council Bill 9574 until such time as the annexation agreements have been amended, reviewed by staff, and approved as to form; and signed by the Owner and Developer. LAURIE FELDMAN seconded the motion. A voice vote was taken, with the "Aye" votes prevailing. Motion passed.

Bill 9575 (*Held*)

An Ordinance Rezoning to City Zoning District PD-MU (Planned Development-Mixed Use District) From County Zoning District I-2 (Heavy Industrial District) and I-1 (Light Industrial District) Seven Parcels Comprising of 11.51 Acres of Land Located Adjacent to the New Town at St. Charles Development and Approving the Fourth Amendment to the Development Agreement (*Sponsor: Michael Klinghammer*)

Council Bill 9575 was held pending passage of Council Bill 9574.

Bill 9576

An Ordinance Authorizing Acceptance of Development Improvements of Water, Off-Site Sanitary Sewer (Gravity Lines) Storm Sewer Utilities, City Streets and Their Appurtenances at The New Town at St. Charles Plat #1 and Release of Security (*Sponsor: Michael Klinghammer*)

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Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese,
Stivison, Veit, and Weller

"Nay": None

Absent: Beckering

Approved by the Honorable Mayor on February 22, 2008, and is known as **Ordinance 08-40**

Bill 9577

An Ordinance Authorizing an Engineering Services Contract with PB Americas, Inc. for the Design of the New Town Boulevard Reconstruction Project in an Amount Not to Exceed \$317,411.00 (*Sponsor: Michael Klinghammer*)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese,
Stivison, Veit, and Weller

"Nay": None

Absent: Beckering

Approved by the Honorable Mayor on February 22, 2008, and is known as **Ordinance 08-41**

Bill 9578

An Ordinance Authorizing Amendment No. 3 to the Police Services Agreement with the Saint Charles R-VI School District for Two (2) School Resource Officers (*Sponsor: Bob Kneemiller*)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese,
Stivison, Veit, and Weller

"Nay": None

Absent: Beckering

Approved by the Honorable Mayor on February 22, 2008, and is known as **Ordinance 08-42**

Bill 9579

An Ordinance Authorizing an Amendment to the Home Investment Partnership Subrecipient Agreement By and Between the City of St. Charles and St. Louis County to Receive Additional Funding for Providing Lead Hazard Control and Abatement Services to Residents of the City of St. Charles with Low to Moderate Income for a Period Beginning February 8, 2008 through August 28, 2008 (*Sponsor: Bob Kneemiller*)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese,
Stivison, Veit, and Weller

"Nay": None

Absent: Beckering

Approved by the Honorable Mayor on February 25, 2008, and is known as **Ordinance 08-45**

Bill 9580

An Ordinance Authorizing a Contract with B & D Pavement Maintenance for the Crackseal Project 2008 in an Amount Not to Exceed \$200,000.00 (*Sponsor: Bob Kneemiller*)

Councilmember Erv Ermeling voiced concern that the City hires outside contractors to perform work which the Street Department could possible perform. Public Works Director Debra

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Public Works Director Debra Aylsworth responded to an inquiry of Councilmember Laurie Feldman that the anticipated commencement of the construction is late summer/fall 2008. Councilmember Feldman requested that Ms. Aylsworth inquire whether the engineer can escalate the project schedule.

Bill 9584

An Ordinance Authorizing a Renewal Contract with America's Parking Marking, Inc. for the City Wide Street Striping Project for 2008 in an Amount Not to Exceed \$150,000.00 (*Sponsor: Bob Kneemiller*)

Councilmember Erv Ermeling voiced concern that the City hires outside contractors to perform work which the Street Department could possible perform. Public Works Director Debra Aylsworth responded that the City does not currently have the staff or equipment to perform city-wide maintenance projects. President of the Council Bob Kneemiller requested that further discussion of this issue be held at the Street Committee Meeting scheduled for March 18, 2008; and that a list of the streets to be re-striped be forwarded to the Council.

Bill 9585

An Ordinance Authorizing Three (3) Agreements With Charter Business for the City-Wide Bandwidth Upgrade for a 36-Month Term in an Amount Not to Exceed \$479,393.00 (*Sponsors: Michael Weller, Bob Kneemiller, and Larry Muench*)

President of the Council Bob Kneemiller requested that, upon passage of Council Bill 9585 on March 4, 2008, that the upgrade be commenced as soon as possible.

Bill 9586

An Ordinance Authorizing Amendment No. 1 to the Three-Year Contract with Melrose Pyrotechnics, Inc. for Providing Three Annual Fireworks Displays by Amending the 2008 Display Dates to Friday, July 4, 2008 and Saturday, July 5, 2008 (*Sponsor: Larry Muench*)

Councilmembers Erv Ermeling, Laurie Feldman and Michael Weller requested that their names be added as Sponsors.

Bill 9587

An Ordinance Repealing Section 2 of Ordinance No. 05-288 Rescinding the Direction to Erect Signs on Various Streets Within Foxborough Subdivision Advising as to the Number of Vehicles Which May be Kept on Properties within a R1-E Zoning District (*Sponsor: Jerry Reese*)

Vice President of the Council Jerry Reese requested that the City Attorney review whether, upon passage of Council Bill 9587, signs could be re-installed without additional legislation.

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Bill 9588

An Ordinance Authorizing Acceptance from East-West Gateway Council of Governments of Three (3) Mobile Satellite Ventures (MSV) Satellite Phones for the St. Charles City Fire Department Received Through the Urban Areas Security Initiative Funding from the Department of Homeland Security (*Sponsor: Bob Kneemiller*)

Bill 9589

An Ordinance Approving the Record Plat for Walsh Court, A Condominium, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)

Bill 9590

An Ordinance Authorizing the Filing of an Application with the U.S. Environmental Protection Agency (EPA) for a Level 1 Cooperative Grant Agreement to Participate in the Community Action for a Renewed Environment (CARE) Program, and to Sign All Necessary Documents to Accept and Receive Said Grant (*Sponsor: Larry Muench*)

Bill 9592

An Ordinance Authorizing a Nonexclusive License and Subscription Agreement By and Between St. Charles County and the City of St. Charles for the Use of GIS Data for a Period Beginning January 1, 2008 and Termination February 2009 (*Sponsor: Bob Kneemiller*)

Bill 9593

An Ordinance Approving the Record Plat for 370 Corporate Center Plat Two, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Richard Veit*)

Bill 9594

An Ordinance Approving the Record Plat for East Hiram Street Condominiums Plat One, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)

The following Council Bill was not introduced:

Bill 9591 (*Not Introduced*)

An Ordinance Authorizing a Contract with Fred Weber, Inc. for the Installation of Brick Pavers in the Route 94 Center Medians of the New I-70/Route 94 Interchange (I-70/Route 94 Beautification Project) in an Amount Not to Exceed \$250,000.00 (*Sponsor: Ron Stivison*)

Council Bill 9591 was not introduced. Discussion relative to the contract with Fred Weber, Inc. was referred to the Council Work Session scheduled for March 11, 2008.

File #46732

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CONSENT AGENDA

A motion was made by LARRY MUENCH to receive and approve the balance of the Consent Agenda. LAURIE FELDMAN seconded the motion. A roll call vote was taken, with the following results: "Aye": Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller, and Ermeling. "Nay": None. Absent: Beckering. Motion passed.

A. Approval of Council Minutes

1. Regular Council Meeting of February 5, 2008
2. Public Hearing of February 5, 2008

File #46733

B. Receipt and/or Approval of Council Committee Reports

1. Council Work Session of January 29, 2008
2. Technology Committee Meeting of February 5, 2008

File #46725

File #46734

C. Receipt of Reports from Boards, Commissions or Committees

1. New Town Electric Trolley Committee Meeting of May 9, 2007
2. Minutes of the Board of Public Works Meeting of December 13, 2007
(Motion to Recommend that the City Not Proceed with the Sandfort Creek Berm Project)

File #46572

REMOVED FROM THE CONSENT AGENDA

3. Board of Adjustment Meeting of February 4, 2008
4. Youth Advisory Commission Meeting of January 10, 2008

File #46735

File #46736

D. Receipt of Reports of the Director of Administration

1. January 2008 Investment Report
2. Authorization to Negotiate a Contract with Archer for the Upgrade/Expansion of the Adams Street Liftstation
3. Authorization to Negotiate a Contract with Cole & Associates for North Fairgrounds Phase II and the preliminary design of Phase III

File #46737

File #46738

File #46739

E. Approval of Contracts and Easements from \$30,000 - \$99,999

1. Contract with Motorola for the Annual Maintenance Agreement for the City Wide Base Radio System and Related Components in an Amount not to Exceed \$63,529.44

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File #46740

2. Contract with Rejis for Annual Law Enforcement Services for 2008 in an Amount not to Exceed \$42,462.16

File #46741

3. Second Renewal Contract with Broyles Lawn Care for Mowing of City-Owned Properties, Weed Cutting, and Nuisance Removal in an Amount not to Exceed \$95,000.00

President of the Council Bob Kneemiller requested an aerial photo of the portion of the median to be mowed on Zumbahl Road.

File #46742

F. Preliminary Plats
None

G. Miscellaneous
1. Report of Court Administrator for Monies Collected in the Month of January 2008

File #46743

2. Report of the City Clerk relative to Disposal of Various Records Pursuant to the Missouri Records Manual and State Records Retention Law

File #46712

ITEMS REMOVED FROM CONSENT AGENDA

Item 8.C.2. Minutes of the Board of Public Works Meeting of December 13, 2007

(Motion to Recommend that the City Not Proceed with the Sandfort Creek Berm Project)

A motion was made by JERRY REESE to refer Item 8.C.2 to the Regular Council Meeting of March 4, 2008. RICHARD VEIT seconded the motion. All voted in favor, motion passed.

REPORT OF THE MAYOR

Report on Activities of the Fire Department by Fire Chief Ernie Rhodes

Fire Chief Ernie Rhodes gave a power point presentation relative to the activities of the Fire Department. Councilmember Laurie Feldman requested that Staff explore establishing a emergency response center South of I-70. President of the Council Bob Kneemiller requested that Fire Chief Rhodes email to the Councilmembers the information relative to the Incident Command System On-Line Training. President of the Council Bob Kneemiller suggested that the Fire Department provide an Executive Report/Summary in the Monthly Report in lieu of the Incident Report currently provided in the Monthly Report.

File #46744

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Appointments to Boards and Commissions

A motion was made by LARRY MUENCH to approve the following appointments to Boards and Commissions as presented by the Honorable Mayor Patricia M. York:

Audit Committee: Reappointment of Thomas Smith for a term ending February, 2010.
Reappointment of Donna Lopez for a three-year term ending February, 2011.

Building Board of Appeals: Reappointment of Art Bergantz, David Moellering, Karl Leiber and Art Ostmann for three-year terms ending February, 2011.

Senior Citizens Advisory Commission: Reappointments of Sharon Tebbe, Barb Chesman, Robert Mudrovic and Robert Peitz for three-year terms ending February, 2011.

Special Business District Advisory Board: Appointments of Bob Kirkwood, Rhonda Crane, Marc Rousseau, Robert Schuette and Susan Berthold for terms ending November, 2010.

RICHARD VEIT seconded the motion. A roll call vote was taken, with the following results:
"Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller, Ermeling, and Feldman. "Nay": None. Absent: Beckering. Motion passed.
File #46729

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Monthly Update on Trash Services Contract

Councilmember Laurie Feldman responded to an inquiry of President of the Council Bob Kneemiller that the first meeting of the Solid Waste Task Force is scheduled for Monday, March 3, 2008.

Establishment of the Council Street Committee and the Council Finance & Audit Committee

A motion was made by MICHAEL KLINGHAMMER to approve the appointment of the following members to the Council Street Committee and the Council Finance & Audit Committee, as recommended by President of the Council Bob Kneemiller:

Council Street Committee: Michael Klinghammer, Richard Veit, Larry Muench, Ron Stivison, and Erv Ermeling

Council Finance & Audit Committee: Michael Weller, Bob Kneemiller, Laurie Feldman, Jerry Reese, and Dave Beckering.

LARRY MUENCH seconded the motion. All voted in favor, motion passed. It was the consensus of the Council that the first meeting of the Finance & Audit Committee be scheduled

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for Tuesday, March 4, 2008, at 6:00 p.m.; and that the first meeting of the Street Committee be scheduled for Tuesday, March 18, 2008.

Written and/or Verbal Messages from the Councilmembers

Introduction of Tom Dempsey's District Coordinator. Councilmember Michael Klinghammer introduced Christy Montgomery, Tom Dempsey's District Coordinator.

Ward 3 Neighborhood Association Meeting. Councilmember Laurie Feldman stated that the first Ward 3 Neighborhood Association Meeting held on February 6, 2008, was well attended; and announced that the next meeting is scheduled for April 2, 2008.

St. Charles Humane Society. Councilmember Laurie Feldman announced that the St. Charles Humane Society is sponsoring a Spay-ghetti Dinner on Friday, February 22nd at the Compass Point Banquet Center

Boy Scouts. Councilmember Michael Weller recognized the Boy Scouts in attendance at the meeting this evening, who are working on their Citizenship and Community Service Merit Badge.

Fish Fry. Councilmember Michael Weller announced that there are Friday Fish Fries sponsored by the many churches in the community.

13. TABLED BILLS/PUBLIC HEARINGS

Case No. CU-02-08. (Dorothy Thomas/Task Properties, LLC) An application for a conditional use permit for a temporary shelter. The applicant proposes to open a temporary shelter in an existing building within the I-1 Zoning District at 209 Fox Hill Rd. (Ward 1). ***(Tabled at the February 5, 2008, Regular Council Meeting)***

There was no action taken on Case No. CU-02-08.

14. APPROVAL OF CLOSED MINUTES

A motion was made by MICHAEL KLINGHAMMER to approve the following Closed Minutes:

- A. Council Work Session of January 15, 2008, relative to legal actions, causes of action, or litigation (RSMo 610.021.1); and preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9)
- B. Council Work Session of January 29, 2008, relative to legal actions, causes of action, or litigation (RSMo 610.021.1); and leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefore (RSMo 610.021.2)

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JERRY REESE seconded the motion. A roll call vote was taken, with the following results: "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Weller, Ermeling, Feldman, and Klinghammer. "Nay": None. Absent: Beckering. Motion passed.

CLOSED SESSION

A roll call vote was taken to adjourn into Closed Session relative to legal actions, causes of action, or litigation (RSMo 610.021.1); with the following results: "Aye": Muench, Reese, Stivison, Veit, Weller, Ermeling, Feldman, Klinghammer, and Kneemiller. "Nay": None. Absent: Beckering. Motion passed.

The Open Portion of the Regular Council Meeting was adjourned at 8:24 p.m.

March 11, 2008
Date Approved

Maup K. McCoy
City Clerk

Bob Kneemiller
Bob Kneemiller, Presiding Officer